REMARKS

Claims 1-33 are pending in this application. By this Amendment, claims 4-6, 10, 11 and 29 are amended, and new claim 33 is added. Claims 4-6 are amended for form responsive to the Office Action, and claim 11 is amended for form. Support for amendments to claims 10 and 29 can be found in the specification, for example, at paragraphs [0075] - [0078] and [0082] and Figs. 7A, 7B, 9 and 10. Support for new claim 33 can be found in the specification, for example, at paragraphs [0075] - [0078] and [0082] and Figs. 7A and 7B. Thus, no new matter is added.

I. Specification Objections

The specification is objected for failing to provide proper antecedent basis for the claimed subject matter. In particular, claim 10 is objected to for failing to provide proper antecedent basis for "synchronization with said clock pulse signal." By this Amendment, claim 10 is amended in accordance with the Office Action's suggestion. Thus, claim 10 satisfies all formal requirements. Withdrawal of the objection of claim 10 is thus respectfully requested.

Claim 13 is objected to for failing to provide a proper antecedent basis for "said image resolution value." This objection is respectfully traversed. Claim 1, from which claim 13 depends, provides antecedent basis for "said image resolution value," because claim 1 recites "an image resolution value." Thus, claim 13 satisfies all formal requirements. Withdrawal of the objection is thus respectfully requested.

Claims 14 and 16 are objected to for failing to provide a proper antecedent basis for "said control portion." This objection is respectfully traversed. Claim 12, from which claims 14 and 16 depend, provides antecedent basis for "said control portion," because claim 12 recites "a control portion." Withdrawal of the objection is thus respectfully requested.

II. Claim Objection

The Office Action generally objects to the claims and asserts that a claim that depends from a dependent claim should not be separated from any claim that does not also depend from said dependent claim. By this Amendment, claims 4-6 are amended to satisfy the requirements under MPEP §608.01(n). Withdrawal of the objection is thus respectfully requested.

III. The Claims Define Patentable Subject Matter

A. §102(e) Rejection of Claims 1-7, 9-20, 22, 24-27 and 29-31 over Saika

Claims 1-7, 9-20, 22, 24-27 and 29-31 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2002/0135827 to Saika ("Saika"). The rejection is respectfully traversed.

Saika does not teach or suggest every feature of claims 1-7, 9-20, 22, 24-27 and 29-31. First, Saika does not disclose a resolution setting portion operable to receive a resolution setting timing signal, a first resolution setting signal and a second resolution setting signal, and to select one of . . . control patterns . . . on the basis of on-off states of the first and second resolution setting signals upon at least one of rising and falling of said resolution setting timing signal, as recited in claim 1 (emphasis added). Saika also does not disclose generating a resolution setting timing signal, a first resolution setting signal and a second resolution setting signal; and selecting one of a plurality of on-off control patterns of said plurality of channel selector switches, on the basis of on-off states of the first and second resolution setting signals upon at least one of rising and falling of said resolution setting timing signal, as recited in claim 30 (emphasis added).

The Office Action asserts that Saika discloses the claimed "resolution setting signal" at paragraphs [0032] and [0033]. This assertion is respectfully traversed.

Saika discloses the use of start signal SIN and a clock signal CLK, and "skip reading" in a case of low resolution reading by alternately generating two pulses of the clock signal CLK, which have respective different widths T1 and T2, as shown in Fig. 4 (paragraphs [0027] and [0032]). According to the skip reading, outputs V1, V3, V5, etc., are taken from a respective pixel S1, S3, S5, etc. through selecting transistors MSEL in the on state of the respective clock pulses having the larger pulse width T1, as shown in Fig. 4. Further, Saika states that "[s]ignal reading of the pixels S2, S4 ... is virtually stopped since the reading period is short." Namely, outputs V2, V4, etc., are not obtained from respective pixels S2, S4, etc., in the on state of the clock pulses having the smaller pulse width T2, as shown in Fig. 4. However, in the case of high resolution reading, outputs V1-Vn are obtained from all pixels S1-Sn in the on state of the respective clock pulses having the larger pulse width T1, as disclosed in paragraph [0033] and shown in Fig. 5. Thus, Saika teaches selecting one of on-off control patterns of the selecting transistors MSEL to set the image resolution value, by changing the pulse width of the clock signal CLK, which are successively generated after the start signal SIN is placed in the on state. Accordingly, Saika fails to teach selecting one of the on-off control patterns of the channel selector switches on the basis of the on-off states of the clock pulse signal CLK and start signal SIN at the moment of either rising or falling of a resolution timing signal or at the moment of both rising and falling of the timing signal, as recited in claims 1 and 30.

Moreover, Saika does not teach the use of a resolution setting timing signal as recited in claims 1 and 30. This resolution setting timing signal is used to select the moment at which the on-off states of the first and second resolution setting signals are detected to select one of the on-off control patterns of the channel selector switches, which correspond to the respective different image resolution values.

Therefore, for at least these reasons Saika does not teach or suggest the resolution setting timing signal, as recited in claim 1, and as similarly recited in claim 30.

Second, Saika does not teach or suggest a resolution setting portion operable to receive a first resolution setting signal and a second resolution setting signal, before said plurality of channel selector switches are selectively turned on to connect said output portions of the corresponding photoelectric converter elements to said common signal line, as recited in claim 9 (emphasis added).

The Office Action asserts that Saika discloses this feature at paragraphs [0032] and [0033]. This assertion is respectfully traversed.

Saika merely discloses that the clock pulses CLK having the different widths T1, T2 (in the case of low resolution reading of Fig. 4) or the same width T1 (in the case of high resolution reading of Fig. 5) are generated while the selecting transistors MSEL are selectively turned on in synchronization with the generation of clock pulse CLK during image reading by the pixels S1-Sn. Therefore, although the start signal SIN is received before the image reading, the clock pulse CLK, the widths of which determine the image resolution value of Saika, are not received before the channel selector switches are selectively turned on. Instead, in Saika, the clock pulses, the widths of which determine the image resolution value, are received during the reading operation. Thus, Saika does not disclose receiving a first resolution setting signal and a second resolution setting signal before the plurality of channel selector switches are selectively turned on, as recited in claim 9.

Third, Saika does not disclose a shift register circuit is operable to simultaneously turn on a plurality of adjacent switches of said plurality of channel selector switches, when said image resolution value set by said resolution setting portion is other than a highest one of a plurality of image resolution values, as recited in claim 10.

The Office Action, at page 8, asserts that Saika discloses this feature at paragraphs [0032] and [0033]. This assertion is respectfully traversed.

Saika merely discloses that when an image resolution value lower than the highest value is selected, the low resolution reading by "skip reading" is carried out at paragraph [0032]. According to Saika, during the skip reading, the even-numbered channel selector switches (corresponding to the pixels S1-Sn) are turned off, as shown in Fig. 4. Therefore, Saika does not disclose simultaneously turning on a plurality of adjacent switches of the plurality of channel selector switches, when the image resolution set by the resolution setting portion is other than a highest one of a plurality of image resolution values available, as recited in claim 10.

Finally, Saika also does not disclose setting portion including at least one of (a) first portion for changing a moment at which the on-off states of the first and second resolution setting signals are detected to select one of the plurality of on-off control patterns of the plurality of channel selector switches, and (b) a second portion for changing the on-off states of the first and second resolution setting signals at a moment of detection of the first and second resolution setting signals, as recited in claim 10, and similarly recited in claim 29.

Saika does not teach or suggest changing the moment at which the on-off states of the clock signal CLK and the start signal SIN are detected to select the on-off control pattern of the channel selector switches MSEL to select the image resolution value, and does not teach or suggest changing the on-off states of the signal CLK, SIN at the moment of the detection of the on-off states to select the image resolution value. Instead, Saika merely teaches changing the pulse width T of the clock signal CLK to change the image resolution value, as shown in Figs. 4 and 5.

Thus, for at least the reasons discussed above, claims 1, 9, 10, 29 and 30 are patentable over Saika. Further, claims 2-7, 11-20, 22, 24-27 and 31, which variously depend

from independent claims 1, 10 and 30, are also patentable over Saika for at least the reasons discussed with respect to independent claims 1, 10 and 30, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

B. §103(a) Rejection of Claims 8, 21, 23, 28 and 32 over Saika in view of Well Known Prior Art

Claims 8, 21, 23, 28 and 32 are rejected under 35 U.S.C. §103(a) over Saika in view of alleged well known prior art. The rejection is respectfully traversed.

As discussed above, Saika does not teach or suggest every feature of independent claims 1 and 30. The alleged well known prior art does not remedy the deficiencies discussed above with respect to independent claims 1 and 30. The Office Action relies on "Official Notice" for the features recited in claims 8, 21, 23, 28 and 32.

Moreover, the Office Action's "Official Notice" of facts not in the record and/or reliance upon "common knowledge" is not judiciously applied, as required. See MPEP §2144.03. Official Notice without documentary evidence to support an Examiner's conclusion is permissible only in some circumstances. *Id.* Official Notice unsupported by documentary evidence should only be taken by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art, are capable of instant and unquestionable demonstration as being well-known, and serve only to "fill in the gaps" of the Examiner's rejection in an insubstantial manner. *Id.* Assertions of technical facts in areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *Id.* It is never appropriate to rely solely on "common knowledge" in the art, without evidentiary support in the record, as the principal evidence upon which a rejection is based. *Id.* As noted above, the Office Action relies on "Official Notice" as the principal reason for rejecting these claims.

Further, these features are not capable of such instant and unquestionable demonstration to defy dispute. Thus, the Office Action must provide support for its Official Notice.

Further, the Office Action's conclusion of obviousness is based upon improper (impermissible) hindsight reasoning, because it is based upon knowledge gleaned only from Applicants' disclosure. See MPEP §2145 (X.A.).

Therefore, claims 8, 21, 23, 28 and 32, which variously depend from claims 1 and 30, are also patentable over Saika and the alleged well known prior art, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachments:
Petition for Extension of Time
Amendment Transmittal

Date: April 21, 2008

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